

### REMARKS

Claims 1-28 were presented for examination and were pending in this application. Claims 1, 11-14, 22, 27, and 28 are amended. Claims 29 and 30 are newly added. In an Official Action dated September 17, 2004, claims 1-28 were rejected. Applicants thank the Examiner for examination of the claims pending in this application and address the Examiner's comments below.

Claims 1-28 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Conmy (6,101,480), Schuster (6,577,622 B1) and further in view of Rubert (6,366,915). Applicants respectfully traverse this rejection.

Claim 1, as amended, recites:

1. A method of using a wireless scheduling device in communication with a wireless network facility to determine availability for a set of attendees, the method comprising:  
communicating an availability request from a user to a server to view availability data set for the set of attendees using the wireless scheduling device, the server having access to the calendar data for each attendee in the set of attendees and to an indication of whether an attendee has granted the user permission to view the attendee's availability data; and  
**receiving, by the wireless scheduling device from the server, the availability data set only for those attendees who have granted permission to view the attendee's availability data.** (Emphasis added).

The claimed invention, as recited in claim 1, advantageously discloses a method of using a wireless scheduling device to determine availability of a set of attendees. The method includes communicating an availability request to a server to view availability data for a set of attendees and receiving availability data for the set of attendees who have granted permission to view the

availability data. Thus, when a user of a wireless scheduling device makes an availability request, only data for those attendees who have granted permission to view their availability data is provided to the user of the wireless device. A benefit of the concise nature of the information in the availability data set is the ease with which such information may be communicated over the relatively slow data communication channels associated with wireless devices. Claims 14, 22, and 28 recite a system and a wireless communication device respectively for performing the method recited in claim 1.

The Examiner concedes that Conmy does not disclose or suggest the claimed invention. Indeed, although Conmy provides a system and method, in col. 8, lines 1-48 and Figs. 5-9, for automatically finding available time for a meeting between a set of invitees based on invitees' availability, in Conmy the client device receives the availability data for all invitees that have been selected (as long as their data is stored in the database 200 or calendar connect unit 310) regardless of whether the invitee has permission to view his or her availability data (emphasis added). Thus, Conmy does not disclose or suggest at least the step of: receiving, by the wireless scheduling device from the server, the availability data set only for those attendees who have granted permission to view the attendee's availability data. (emphasis added), as variously recited in claims 1, 14, 22, and 28.

As was admitted by the Examiner, Schuster also fails to disclose or suggest at least the step of "receiving, by the wireless scheduling device from the server, the availability data set only for those attendees who have granted permission to view their availability data," as variously recited in claims 1, 14, 22, and 28. The Examiner cited Rubert at col. 12, lines 8-20 for the disclosure of this claimed feature.

Rubert fails to remedy the deficiency of Conmy and Schuster. Rubert discloses an intermediary system (Information Reporter or IR) for managing user access to databases. The

intermediary system in Rubert determines particular databases that are accessible to a “user” and the types of queries, which the “user” is authorized to execute, executes the authorized queries, and provides query results to the “user” (Abstract, col. 4 lines 1-7). Rupert merely discloses, in column 4, lines 8-20, an information security system where a person seeking access to a particular database is queried for a username and password. The IR issues an access authorization based upon the identity or biometrics of the “user,” as is common in many conventional information security systems. Furthermore, the IR restricts a “user” from accessing certain databases depending on their identity or biometrics. Restricting access to data directly teaches away from Applicant’s claimed invention in that the claimed invention allows an attendee to permit a user of the claimed wireless scheduling device to view their entire availability data set and not simply a select portion or portions of the availability data. Also, Rubert offers no disclosure regarding a method for using a scheduling device, and in particular, does not disclose receiving, by the wireless scheduling device, from the server the entire availability data of an attendee, much less an attendee who has granted permission for a user to view their availability data, as variously recited in claims 1, 14, 22, and 28.

The following passage from Rubert, cited by the Examiner on page 6, line 6 of the Office Action, discloses an implementation of the Information Reporter system routine:

“the IR routing will receive notification of a user identity, determine databases and database queries which the user is authorized to access or execute, determine a particular query to be executed at a scheduled time, determine a group of recipient users to be notified of the results of the execution, execute the selected query at the scheduled time, and notify the recipient users of the query execution results.” (Col. 12, lines 8-20).

Neither the cited passage nor the lines surrounding the cited passage disclose or suggest at least an indication of whether an attendee was granted permission to view availability data.

Even if Rubert could be construed for granting permission to view data, there is absolutely no disclosure within Rubert regarding the receipt, by a wireless scheduling device, from a server the availability data of an attendee using the wireless scheduling device (emphasis added), as variously recited in claims 1, 14, 22, and 28. Indeed, Rubert is no way concerned with automatically finding available time for a meeting between a set of attendees based on attendees' availability.

Since neither Conmy, Schuster, or Rubert disclose or suggest at least "receiving by the wireless scheduling device from the server the availability data set only for those attendees who have granted permission to view their availability data," it follows that the combination of the references cannot disclose or suggest the claimed feature. For at least these reasons, claims 1-28 are considered allowable.

Neither Conmy, Schuster, nor Rubert, alone or in combination, discloses or suggests, at least "communicating a second availability request, wherein the second availability request is a request from the attendee to access the availability data of the user," as recited in claim 29. An example of an attendee requesting access to a user's availability data is found in element 706 of Figure 7. Furthermore, there is no disclosure within Conmy, Schuster, or Rupert regarding, "an attendee has granted the user permission to view their availability data only during a specified period of time," as recited in claim 30. For at least these reasons, and the reasons stated above, claims 29 and 30 are considered allowable.

### **Conclusion**

In sum, Applicants respectfully submit that claims 1-30, as presented herein, are patentably distinguishable over the cited reference (including references cited, but not applied).

Therefore, Applicants request reconsideration and allowance of these claims. Applicants respectfully submit that the attorney docket number 2378-104 for this patent application has been changed to a new attorney docket number 24264-09320

In addition, Applicants respectfully invite the Examiner to contact Applicants' representative at the number provided below if Examiner believes it will help expedite furtherance of this application.

RESPECTFULLY SUBMITTED,  
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